

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE:)	
VICKIE MICHELLE LEWIS,)	
Debtor.)	
_____)	Chapter 13 Case No.
)	23-10908
BELAIR DUPLEXES, LLC,)	
Movant,)	
)	
v.)	
)	
VICKIE MICHELLE LEWIS,)	
Debtor.)	

AMENDED MOTION FOR RELIEF

COMES NOW, Belair Duplexes, LLC (“Movant”) in the above styled action and by and through counsel, files this Amended Motion for Relief from Automatic Stay pursuant to 11 U.S.C. §362 in order to permit Movant, to exercise, against real property which is in the possession of Vickie Michelle Lewis (“Debtor”), and its rights and remedies under state law. In support of its Motion, Movant respectfully shows the Court the following facts.

1. Debtor filed for protection under the Bankruptcy Code on November 16, 2023.
2. Debtor leases real property from Movant located at 4386 A West Maysfield Drive, Augusta, Georgia 30909 for \$850.00 a month (“Monthly Rent”).
3. Monthly Rent is due to Movant by the 5th of every month. If Monthly Rent paid later than the 5th day of every month, a late fee of \$50.00 is assessed.
4. Movant filed a *pro se* motion for relief against Debtor in December 2023.
5. Since the filing of Movant’s original motion for relief, Debtor has paid one Monthly rent payment to Movant on December 27, 2023, in the amount of \$850.00.

6. As of the date of this motion, the amount owed to Movant includes, \$6,344.84 in Monthly Rent and late fees, \$650.00 in Attorney's fees, and \$260.00 in Court Costs (Co. County Magistrate and MFR filing Fee). The total amount owed to Movant is \$7,254.84.

7. Prior to Debtor's filing of the voluntary petition, due to Debtor's failure to pay rent, Movant did file a dispossessory in Columbia County Magistrate Court in November 2023. Debtor was personally served with the dispossessory action on November 9, 2023.

8. Debtor's bankruptcy petition was filed prior to an order for possession of Property could be issued.

9. For the reasons set forth herein, Movant lacks adequate protection in its interests in Property and requests that the automatic stay provisions of 11 U.S.C. §362 be modified to allow Movant to enforce its state law and contractual remedies in and against Debtor and Property.

WHEREFORE, for the reasons set forth herein, Movant respectfully requests that this Court:

- a. Issue an Order modifying and lifting the automatic stay to permit Movant to exercise its state law and contractual remedies against Debtor and Property;
- b. For waiver of the requirement of FRBP 4001(a)(3) to allow Movant to execute an Order granting any relief instant;
- c. In the alternative, if relief is not granted that Debtor be required to pay Movant in full in full within thirty (30) days; and
- d. For such other and further relief this Court deems appropriate.

This 4th day of January 2024.

/s/ Bowen A. Klosinski
Bowen A. Klosinski
Attorney for Movant
Georgia Bar No. 842225

KLOSINSKI OVERSTREET, LLP
1229 Augusta West Parkway
Augusta, Georgia 30909
(706) 863-2255
bak@klosinski.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

IN RE:)	
VICKIE MICHELLE LEWIS,)	
Debtor.)	
_____)	Chapter 13 Case No.
)	23-10908
BELAIR DUPLEXES, LLC,)	
Movant,)	
)	
v.)	
)	
VICKIE MICHELLE LEWIS,)	
Debtor.)	

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the within and foregoing "MOTION FOR RELIEF FROM STAY" and "NOTICE OF HEARING" upon all parties by placing a copy of same in the United States Mail, postage pre-paid and properly addressed as follows:

Vickie Michelle Lewis
4386 W. Maysfield Drive
Apt. A
Augusta, Georgia 30909

Belair Duplexes, LLC
760 Locks Way
Martinez, Georgia 30907

This is to certify that the below-named parties have this day been served a copy of the above-referenced document via CM/ECF electronic mail:

Huon Le
E-mail: notices@chp13aug.org

Office of the U.S. Trustee
E-mail: Ustpreion21.sv.ecf@usdoj.gov

Kathryn A. Brow

E-Mail: office@duncanbrow.com

This 4th day of January, 2024

/s/ Bowen A. Klosinski

Bowen A. Klosinski

Attorney for Movant

Georgia Bar No. 842225

KLOSINSKI OVERSTREET, LLP

1229 Augusta West Parkway

Augusta, Georgia 30909

(706) 863-2255

bak@klosinski.com